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	TELECOMMUNICATIONS AMENDMENTS
	2004 GENERAL SESSION
	STATE OF UTAH
	Sponsor: John W. Hickman
]	LONG TITLE
(	General Description:
	This bill modifies the Municipal Cable Television and Public Telecommunications
,	Service Act.
]	Highlighted Provisions:
	This bill:
	<ul> <li>requires a municipality or an interlocal entity under certain circumstances to comply</li> </ul>
,	with specified provisions of the Municipal Cable Television and Public
,	Telecommunications Service Act.
]	Monies Appropriated in this Bill:
	None
(	Other Special Clauses:
	None
1	Utah Code Sections Affected:
4	AMENDS:
	10-18-105, as enacted by Chapter 83, Laws of Utah 2001
:	Be it enacted by the Legislature of the state of Utah:
	Section 1. Section 10-18-105 is amended to read:
	10-18-105. Scope of chapter.
	(1) Nothing in this chapter authorizes any county or other political subdivision of this
	state to:



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28	(a) provide:
29	(i) a cable television service; or
30	(ii) a public telecommunications service; or
31	(b) purchase, lease, construct, maintain, or operate a facility for the purpose of
32	providing:
33	(i) a cable television service; or
34	(ii) a public telecommunications service.
35	(2) [Nothing in] Except as provided in Subsection (3), this chapter [applies] does not
36	apply to a municipality purchasing, leasing, constructing, or equipping facilities:
37	(a) that are designed to provide services within the municipality; and
38	(b) that the municipality:
39	(i) uses for internal municipal government purposes; or
40	(ii) by written contract, leases, sells capacity in, or grants other similar rights to a
41	private provider to use the facilities in connection with a private provider offering:
42	(A) cable television services; or
43	(B) public telecommunications services.
44	(3) (a) As used in this Subsection (3), "municipal entity" means:
45	(i) a municipality; or
46	(ii) an entity created pursuant to an agreement:
47	(A) under Title 11, Chapter 13, Interlocal Cooperation Act; and
48	(B) to which a municipality is a party.
49	(b) Notwithstanding Subsection (2), a municipal entity shall comply with Subsection
50	(3)(c) if the municipal entity purchases, leases, constructs, or equips facilities that the
51	municipal entity by written contract leases, sells capacity in, or grants other similar rights to a
52	private provider to use the facilities in connection with a private provider offering:
53	(i) cable television services; or
54	(ii) public telecommunications services.
55	(c) A municipal entity described in Subsection (3)(b) shall, with respect to an action
56	described in Subsection (3)(b), comply with the obligations imposed on a municipality
57	pursuant to:
58	(i) Section 10-18-302; and

59

## Legislative Review Note as of 1-23-04 11:26 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

04-Feb-04 10:02 AM

## **State Impact**

Passage of this bill could limit revenue streams available for local telecommunications projects. Any fiscal impact would be dependant on the extent that these limitations effect the implementation or operations of the local system, or to the extent that local revenues are preserved for other local requirements.

## **Individual and Business Impact**

No fiscal impact.

Office of the Legislative Fiscal Analyst